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TAGS: PGOV PREL KDEM KPKO SU
SUBJECT: NCP AND SPLM PASS SOUTHERN SUDAN REFERENDUM LAW
--FINALLY

REF: A) KHARTOUM 1454 B) KHARTOUM 1447

Classified By: A/CDA Mark L. Asquino, for reasons 1.4 (b) and (d)

¶1. (C) SUMMARY: On December 29, the National Assembly voted by majority to approve the Southern Sudan Referendum Law. The law was passed with the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) mutually agreeing on the final version of the law after ten days of heated political haggling over two amendments (reftel B). Despite a commitment by the NCP and the SPLM to pass the law during an evening session on December 28, this did not happen due to differences within the NCP (ref A). Despite the delay, passage of the Southern Sudan Referendum Law is a CPA landmark. The NCP and SPLM are now in final discussions of the Abyei Referendum Law. The two parties continue to be at odds over who in Abyei, as defined by residency, will be a qualified voter in the Abyei referendum. The two sides also remain deadlocked over their differences on the 2007 census, with the latter affecting the April, 2010 national elections. END SUMMARY

SOUTHERN SUDAN REFERENDUM APPROVED

¶2. (C) On December 29, the Sudanese National Assembly approved the Southern Sudan Referendum Law by a majority vote. The passage of the law, for a second time, came after the NCP had unilaterally approved the law without SPLM consent on December 22 (ref B). The vote came after ten days of heated political haggling and brinkmanship by the two parties, which included an SPLM walk-out. Regarding differences over Articles 27 and 67, the parties decided on the former that as had been agreed to in the December 13 version of the law, Southern Sudanese who have resided outside the south since prior to January 1, 1956 must register and vote in Southern Sudan. Southerners who have resided outside the south since January 1, 1956 and later may register and vote in polling centers in Northern Sudan or at designated polling centers abroad. On ArtirQQQ(pQ+kW11 Referendum takes place.

ABYEI REFERENDUM LAW AND ELECTIONS/CENSUS ISSUE IN DEADLOCK

¶3. (C) On the evening December 29, the National Assembly is scheduled to discuss, and possibly approve, the Abyei Referendum Law. During poloff discussions with SPLM officials involved in the negotiations, the latter said that the NCP and SPLM are again in disagreement over the definition of an Abyei resident, the major element in who can vote in the Abyei Referendum. The issue centers on whether

the nomadic Misseriya, who spend only part of the year in Abyei, will be allowed to vote --something which the SPLM opposes. The SPLM is hoping for a breakthrough, but poloff was told that resolution of this thorny issue may not come in the next few days. One proposal under discussion is to pass the law and appoint a commission to solve the issue of voting rights at a later date. The Blue Nile and Southern Kordofan State Popular Consultation Law is scheduled to be discussed in the National Assembly as soon as the Abyei Referendum Law is approved. In addition, according to the Government of Southern Sudan (GOSS) Vice President's staff, Vice President Riek Machar and the Government of National Unity (GoNU) Second Vice President Ali Osman Taha are in a deadlock over the election/census dispute, which affects apportionment of National Assembly seats to be decided by the upcoming April 2010 elections.

NCP INTERNAL CONFLICT

¶4. (C) Despite assurances by NCP Presidential Advisor Dr. Ghazi Salahuddin that the Southern Sudan Referendum Law would be re-considered and approved in a December 28 National Assembly session after the NCP unilaterally passed it without SPLM consent on December 22, passage did not occur until the following day. Poloffs had heard reports throughout the week that there were two "factions" in the NCP that were at odds over reaching an agreement with the SPLM on passage of the

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Southern Sudan Referendum Law. The "Taha Faction" (referring to Second Vice President Ali Osman Taha, considered an NCP moderate) wanted to move forward with the version of the law that had been agreed upon previously with the SPLM. The "Nafie Faction" (referring to Presidential Advisor Nafie Ali Nafie, an NCP hard-liner) insisted on including new language to Articles 27 and 67 of the law, which the SPLM adamantly opposed. In the end, the Taha faction largely prevailed. However, the Nafie faction successfully added compromise language to Article 67 requiring that post-2011 arrangements be resolved by the end of the six month "interim" period following the January 2011 Southern Sudan Referendum.

SMALL SCALE DEMONSTRATIONS IN SOUTHERN SUDAN

¶5. (C) To ramp-up pressure on the NCP to pass the Southern Referendum Law, the SPLM and opposition parties organized mostly small-scale rallies and demonstrations throughout Southern Sudan on December 28. GOSS President Salva Kiir, who spoke at the Juba demonstration, claimed that similar gath%76'Q#-related legislation.

¶6. (C) COMMENT: Despite the delay in the passage of the Southern Sudan Referendum Law, its December 29 approval by NCP/SPLM majority vote in the National Assembly is a milestone in CPA implementation. Nevertheless, significant legislative hurdles remain. The present National Assembly is set to adjourn on December 31 (at the latest,) and not reconvene until after April 2010 elections. During the coming days, the two parties must pass the Abyei Referendum Law and the Popular Consultations Law for Blue Nile and South Kordofan, while also resolving their differences over the census/election issue. Clearly, there will be more political haggling and grandstanding by the NCP and SPLM right up until the end of 2009. END COMMENT

ASQUINO